REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. At the time of the outstanding Office Action, claims 1-21 were pending. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. After amending the claims as set forth above, claims 1-21 are currently pending in the application.

Prior Art Rejections:

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,591,150 to Shirota (hereinafter "Shirota") in view of U.S. Patent 5,570,343 to Bishop et al. (hereinafter "Bishop"). This rejection is traversed for at least the following reasons.

The invention as claimed recites several novel features, including "when the first wireless LAN base station which is in the active state detects a fault, the first wireless LAN base station is configured to send an activation request to the second wireless LAN base station which is in the standby state, wherein when the first wireless LAN base station confirms that the second wireless LAN base station has been placed in the active state, the first wireless LAN base station is configured to send setting thereof to the second wireless LAN base station, and wherein when the first wireless LAN base station confirms that the setting of the second wireless LAN base station is the same as the setting of the first wireless LAN base station, the first wireless LAN base station is configured to be placed in the standby state." (Independent claim 1) Analogous features appear in independent claims 2-5 and 9. Thus, according to the present invention, each wireless LAN base station is able to detect its own faults and generate a fault detection signal. Further, when a first wireless LAN base station detects a fault, it is able to send an activation request to a second wireless LAN base station to place it in the active state, and then places itself in the standby state once it confirms that the second wireless LAN base station is in the active state.

Shirota fails to teach these features of the invention as claimed. Rather, the Examiner points to the following passage of Shirota to teach the feature of a first wireless LAN base

station detecting a fault and sending an activation request to a second wireless LAN base station which is in a standby state:

> "If up to twenty-two packets are transmitted in a step (**7 - 9**), and a failure is generated in the first OMCR **71** 1 in a step (**7 - 10**), the BSCs **72** 1 through **72** n detect the disconnection of the TCP connection to the first OMCR **71** 1 in a step (**7 - 11**).
>
> The BSCs **72** 1 through **72** n switch the IP address of the connecting destination from the IP address of the first OMCR **71** 1 of the working system to the IP address of a second OMCR **712** (OMCR **2**) of the backup system, and establishes a connection to the second OMCR **71** 2 of the backup system in a step (**8 - 12**) shown in FIG. **8** ." (column 11, lines 30-39)

Here, Shirota teaches that the OMCR (which is not a wireless LAN base station, but rather a radio station maintenance and operation station) generates a failure, and the BSCs (the wireless LAN base stations) detect the disconnection to the failing OMCR, and switch from the failing OMCR to a backup OMCR. First, Shirota fails to teach that a BSC could be in an active or standby state. Rather, Shirota teaches that the maintenance and operation stations (OMCRs) can be utilized as a working or backup system. This is in no way equivalent to changing the state of a wireless LAN base station between active and stand-by. Further, there is no teaching or suggestion in this passage, or anywhere in Shirota, that, upon detecting a fault, any BSC sends a signal to any other BSC. Also, even if the OMCR were incorrectly interpreted to be a wireless LAN base station, there is no teaching or suggestion that an OMCR sends a signal to another OMCR in Shirota. Thus, Shirota fails to teach the feature of "when the first wireless LAN base station which is in the active state detects a fault, the first wireless LAN base station is configured to send an activation request to the second wireless LAN base station which is in the standby state."

Shirota also fails to teach the feature of "when the first wireless LAN base station confirms that the second wireless LAN base station has been placed in the active state, the first wireless LAN base station is configured to send setting thereof to the second wireless

LAN base station." The Examiner interprets the following passage of Shirota to teach this feature:

> "When the TCP connections are established between the BSCs **72** 1 through **72** n and the second OMCR **71** 2 of the backup system, the second OMCR **71** 2 of the backup system transmits a control information read request to each of the BSCs **72** 1 through **72** n in a step (**8 - 13**). Further, the second OMCR **71** 2 acquires the type of control (that is, control type) previously carried out by the first OMCR **71** 1 of the working system with respect to each of the BSCs **72** 1 through **72** n and the control state of each of the BSCs **72** 1 through **72** n in a step (**8 - 14**).
>
> The control information transmitted from each of the BSCs **72** 1 through **72** 1 to the second OMCR **71** 2 Of the backup system includes the following items.
>
> (1) Control Type: Down load control of station data for the BTS to the BSC; and
>
> (2) Control State: Incomplete (Transferring twenty-second packet (**22/ 57**) of the total of fifty-seven packets). " (column 11, lines 40-59)

However, this passage of Shirota teaches that, when the BSCs switch to a different maintenance and operation station (OMCR), the second OMCR acquires control of each BSC in a manner similar to the failed OMCR it replaced. There is no teaching or suggestion in this passage, or anywhere in Shirota, that a BSC confirms that another BSC has been placed in an active state, or that upon such a confirmation, the BSC sends its setting information to the other BSC. The BSCs are passive participants in this situation, receiving a control information read request and allowing a second maintenance and operation station to take control of their system. Further, there is not even a teaching or suggestion that the failing OMCR confirm that the backup OMCR has been placed in a working state, or that it sends its setting information to the backup OMCR. Thus, Shirota fails to teach that "when the first wireless LAN base station confirms that the second wireless LAN base station has been

placed in the active state, the first wireless LAN base station is configured to send setting thereof to the second wireless LAN base station."

Shirota also fails to teach the feature of "when the first wireless LAN base station confirms that the setting of the second wireless LAN base station is the same as the setting of the first wireless LAN base station, the first wireless LAN base station is configured to be placed in the standby state." Rather, the Examiner relies on the teachings of Shirota that the backup maintenance and operation system (OMCR) resumes the operations of the failed OMCR. (column 11, line 59 to column 12, line 4). However, this feature of the invention as claimed does not teach resuming normal operations. Rather, the invention as claimed requires that the first wireless LAN station confirm that its setting matches that of the second wireless LAN station, and that, upon confirmation, the first wireless LAN base station is configured to be placed in a standby state. There is no teaching or suggestion in this passage, or anywhere else in Shirota, that a BSC confirms that its state is the same as another BSC, and then places itself in a standby state. Thus, Shirota fails to teach "when the first wireless LAN base station confirms that the setting of the second wireless LAN base station is the same as the setting of the first wireless LAN base station, the first wireless LAN base station is configured to be placed in the standby state."

Bishop fails to make up for the deficiencies of Shirota as detailed above. Rather, Bishop teaches a communications system comprising cells. Each cell has a base station which controls communication traffic in the cell. (column 3, lines 2-5). These base stations receive and transmit signals in communication with mobile communication devices. Each base station is coupled to an operations and maintenance centre (OMC) that is responsible for overall system control, through a base station controller (BSC). (column 3, lines 6-11). When a failure is detected in a cell (meaning that the base station has failed), the base station controller is informed. Upon detecting of such a failure, the OMC issues instructions through the base station controller for nearby base stations to increase their power transmission to cover the failing base station. (column 3, line 53 to column 4, line 2). This is in no way equivalent to the claimed invention, where "when the first wireless LAN base station which is in the active state detects a fault, the first wireless LAN base station is configured to send an activation request to the second wireless LAN base station which is in the standby state,

wherein when the first wireless LAN base station confirms that the second wireless LAN base station has been placed in the active state, the first wireless LAN base station is configured to send setting thereof to the second wireless LAN base station, and wherein when the first wireless LAN base station confirms that the setting of the second wireless LAN base station is the same as the setting of the first wireless LAN base station, the first wireless LAN base station is configured to be placed in the standby state." There is no teaching or disclosure in Bishop that a base station, upon detecting a fault, sends a signal to a base station in a standby state, or goes through the steps to confirm that the standby base station is put in an active state before placing itself in a standby state. Thus, Bishop also fails to teach or disclose all of the features of the invention as claimed.

Thus, Shirota and Bishop, either alone or in combination, fail to teach or suggest the features of the invention as claimed in the independent claims, specifically failing to teach both "when the first wireless LAN base station which is in the active state detects a fault, the first wireless LAN base station is configured to send an activation request to the second wireless LAN base station which is in the standby state, wherein when the first wireless LAN base station confirms that the second wireless LAN base station has been placed in the active state, the first wireless LAN base station is configured to send setting thereof to the second wireless LAN base station, and wherein when the first wireless LAN base station confirms that the setting of the second wireless LAN base station is the same as the setting of the first wireless LAN base station, the first wireless LAN base station is configured to be placed in the standby state." If this rejection is maintained, the Examiner is respectfully requested to point out where these features are found in Shirota or Bishop.

The dependent claims are also patentable for at least the same reasons as the independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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